

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KANDICE LOUISE COOKE,

Plaintiff,

vs.

RANDOLPH, NEBRASKA CITY
COUNCIL and THE CITY OF
RANDOLPH, NEBRASKA,

Defendants.

8:23-CV-249

ORDER

This matter is before the Court on a "letter" filed by the plaintiff, Kandice Louise Cooke. [Filing 7](#). Liberally construed, *see Erickson v. Pardus*, 551 U.S. 89, 94 (2007), it asks the Court to preliminarily intervene in this dispute until this case can be resolved. It is, in other words, arguably a motion for preliminary injunctive relief. *See generally Fed. R. Civ. P. 65*.

The Court has some reservations about the plaintiff's claim—both the legal basis for the claims and the relief sought. *See filing 1*. Nonetheless, the Court cannot ignore the possibility that some of the facts alleged in the plaintiff's complaint could at least potentially support a claim for some sort of relief under federal law, such as the Americans with Disabilities Act, [42 U.S.C. § 12101 et seq.](#); Fair Housing Act, [42 U.S.C. § 3601 et seq.](#); or perhaps the procedural Due Process Clause; *see Danker v. City of Council Bluffs, Iowa*, 569 F. Supp. 3d 866, 882-83 (S.D. Iowa 2021), *aff'd*, 53 F.4th 420 (8th Cir. 2022). The Court also cannot ignore the possibility that some of the facts alleged in the plaintiff's letter might, conceivably, warrant the Court preserving some sort of status quo while this dispute is adjudicated. *See generally Tumey v. Mycroft AI, Inc.*, 27 F.4th 657, 664 (8th Cir. 2022).

The Court cannot resolve those possibilities, however, on only one party's side of the story, and without information only in the possession of the defendants. The Court will, therefore, construe the plaintiff's letter as a motion for preliminary injunctive relief and require the defendants to respond.

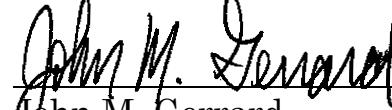
IT IS ORDERED:

1. The plaintiff's "letter" ([filing 7](#)) is construed as a motion for preliminary injunctive relief.
2. The defendants shall respond to that motion, pursuant to [NECivR 7.1\(b\)\(1\)\(B\)](#), on or before July 5, 2023.
3. The plaintiff may reply in support of her motion, pursuant to [NECivR 7.1\(c\)\(1\)](#), on or before July 12, 2023.
4. The Clerk of the Court shall send a copy of this order to:

City Administrator/Clerk
City of Randolph
212 E. Broadway St.
PO Box 457
Randolph, NE 68771

Dated this 21st day of June, 2023.

BY THE COURT:



John M. Gerrard
Senior United States District Judge